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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2011-574**

11 **VELMA DUMAG YEP, AKA MARIA**
12 **VELMA DUMAG YEP, AKA MA VELMA**
13 **SAJOR DUMAG**
13127 Rimrock Ave
Chino Hills, CA 91709
14 Registered Nurse License No. 399292
Nurse Practitioner Certificate No. 13575
15 Nurse Practitioner Furnishing Certificate
No. 13575
16

A C C U S A T I O N

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about June 30, 1986, the Board of Registered Nursing issued Registered Nurse
25 License Number 399292 to Velma Dumag Yep, aka Maria Velma Dumag Yep, aka Ma Velma
26 Sajor Dumag (Respondent). The Registered Nurse License was in full force and effect at all
27 times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

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3. On or about August 2, 2002, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 13575 to Velma Dumag Yep, aka Maria Velma Dumag Yep, aka Ma Velma Sajor Dumag (Respondent). The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

4. On or about April 8, 2003, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 13575 to Velma Dumag Yep, aka Maria Velma Dumag Yep, aka Ma Velma Sajor Dumag (Respondent). The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

JURISDICTION

5. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following: _____."

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

1 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
2 functions.

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4 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
5 functions, and duties of a registered nurse, in which event the record of the conviction shall be
6 conclusive evidence thereof."

7 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
8 revoke a license on the ground that the licensee has been convicted of a crime substantially
9 related to the qualifications, functions, or duties of the business or profession for which the
10 license was issued.

11 **COST RECOVERY**

12 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of Substantially Related Crime)**

18 11. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
19 section 490 in that Respondent was convicted of a crime that is substantially related to the duties,
20 qualifications, and functions of a registered nurse. The circumstances are as follows:

21 12. On or about April 16, 2009, after pleading guilty, Respondent was convicted of one
22 class A misdemeanor count of violating Title 21, United States Code, Sections 331, subdivision
23 (d), 355, subdivision (a), and 333, subdivision (a)(1) [introducing unapproved new drug into
24 interstate commerce] in the criminal proceeding entitled *United States of America v. Velma Yep*
25 (United States District Court for the Central District of California, Eastern Division, 2009, No.
26 EDCR 08-00172 VAP). On or about July 28, 2009, Respondent was placed on probation for a
27 term of two (2) years under terms and conditions of the United States Probation Office and
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1 general Order 318. She was also ordered to pay a fine of \$500.00. The circumstances
2 surrounding the conviction are as follows:

3 13. In or about April 2008, Respondent was an employee of a medical doctor who was
4 practicing medicine in the area of internal medicine and oncology in Upland, California. While in
5 Manila, Philippines, on behalf of her employer, Respondent purchased Zofran intended for use in
6 connection with her employer's medical practice from a medical supplier located in Sampaloc,
7 Mainlla, Philippines. Respondent paid the equivalent of approximately \$624.00 in U.S. currency
8 in exchange for the Zofran. On or about April 5, 2008, Respondent returned to the United States
9 with the drugs in her luggage. Respondent did not declare the drugs upon her return to the United
10 States. Respondent brought the Zofran to her employer's medical practice.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 14. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
14 that Respondent engaged in unprofessional conduct. Complainant refers to and incorporates all
15 the allegations contained in paragraphs 12-13 as though set forth fully.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 399292, issued to Velma
20 Dumag Yep, aka Maria Velma Dumag Yep, aka Ma Velma Sajor Dumag

21 2. Revoking or suspending Nurse Practitioner Certificate Number 13575, issued to
22 Velma Dumag Yep, aka Maria Velma Dumag Yep, aka Ma Velma Sajor Dumag

23 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 13575,
24 issued to Velma Dumag Yep, aka Maria Velma Dumag Yep, aka Ma Velma Sajor Dumag

25 4. Ordering Velma Dumag Yep to pay the Board of Registered Nursing the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions

27 Code section 125.3; and

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5. Taking such other and further action as deemed necessary and proper.

DATED: 12/23/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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